

REMARKS

Claims 1-17 are pending, with claims 1, 10, 14, and 16 being independent. Claims 13-15 have been cancelled without prejudice. Claims 1, 7, 10, and 16 have been amended. New claims 18-20 have been added, with claim 18 being independent. No new matter has been added. Reconsideration and allowance of the above-referenced application are respectfully requested.

Figure 1 stands objected to for failing to include a legend such as "(Prior Art)". Figure 1 has been amended to include this legend, however, it should be noted that while the figure only illustrates that which is old, the detailed description made in connection with Figure 1 includes that which is new. In view of the above, withdrawal of the objection to the drawings is respectfully requested.

The specification stands objected. The paragraph beginning at page 8, line 7 has been amended to correct the typographical error as suggested in the office action. With respect to page 5, line 20, the description does not specify that host members will receive the query messages because they need not do so. This aspect of the claimed subject matter is illustrated in Figure 2. Multicast routers M1 and M2 are both elected to serve as queriers and thus generate query messages Query1 and Query2, but the switch generates Query3, which is sent to the hosts.

(See the present specification at page 7, lines 15-23.) In view of this, withdrawal of the objection to the specification is respectfully requested.

Claims 1, 14, 15, and 16 stand objected to for various informalities. Claims 14 and 15 have been cancelled without prejudice, thereby obviating the objection to these claims. Claims 1 and 16 have been amended to correct identified informalities. Additionally, while it is true that often the claimed sending of membership report messages will be forwarding of membership report messages received from the host members, this need not always be the case. Thus, this aspect of claims 1 and 16 has not been amended as suggested in the official action. In view of these amendments and remarks, withdrawal of the claim objections is respectfully requested.

Claim 7 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Claim 7 has been amended to clarify the antecedent basis for the limitation "said sending". In view of this amendment, withdrawal of the rejection of claim 7 is respectfully requested.

Claims 1-17 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by US Patent No. 6,370,142 (Pitcher). This contention is respectfully traversed.

With respect to claims 1, 13 and 16, the inference suggested in the office action cannot be drawn from Pitcher. Pitcher detects querier multicast routers by listening for IGMP (Internet Group Management Protocol) membership queries, which are periodically generated by the querier multicast routers. See Pitcher at col. 10, lines 26-28, and col. 1, line 63 to col. 2, line 17. However, there is no suggestion in Pitcher that the routers are transitioned into queriers such that the presence of non-querier multicast routers is revealed. In fact, Pitcher makes clear that the non-querier multicast routers cannot be automatically detected, but rather must be manually entered if they are to receive IGMP membership reports. See Pitcher at col. 10, lines 28-32.

Independent claim 10 has been amended to include the limitation(s) of claim 13. In view of the above amendments and remarks, therefore, independent claims 1, 10 and 16 should be in condition for allowance. Dependent claims 2-9, 11-12, and 17 are patentable based on the above arguments and their own merits. Additionally, new claims 18-20 have been added and are patentable based on the above arguments and their own merits.

It is respectfully suggested for all of these reasons, that the current rejection is totally overcome; that none of the cited art teaches or suggests the features which are now


claimed, and therefore that all of these claims should be in condition for allowance. A formal notice of allowance is thus respectfully requested.

Additionally, it is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fees are believed due with this response. Please apply
any necessary charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 07/13/04


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Annotated Sheet Showing Change(s)

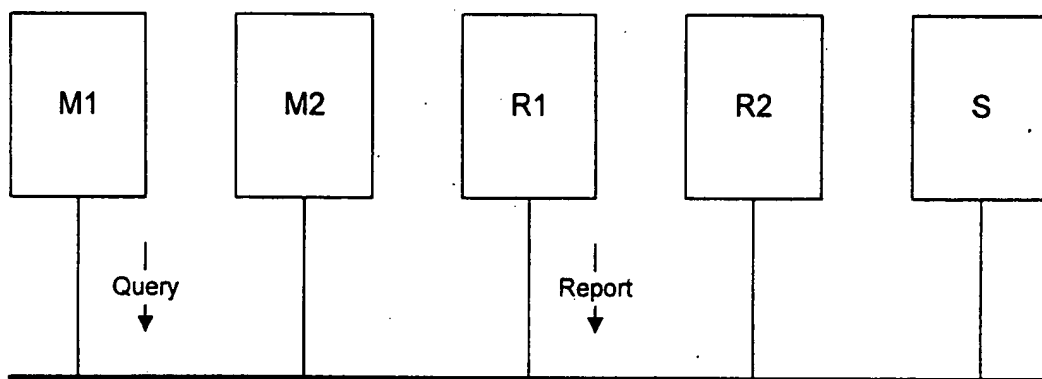


FIG. 1
(Prior Art)